

FRANCISCO ROBALDO—WIDOW OF.

[To accompany Bill H. R. No. 795.]

MAY 26, 1860.

Mr. STANTON, from the Committee on Military Affairs, made the following

REPORT.

*The Committee on Military Affairs, to whom was referred the petition of Mrs. Aña M. Rolas y Robaldo, widow of Francisco Robaldo, report:*

That, upon a careful examination of her claim, they are of opinion that it is highly meritorious, and that she is entitled to relief.

The facts, which are fully established by the proof, and sustain her claim, are these: That after the conquest of New Mexico, in 1846, by General Kearny, the army of occupation was left under the command of Colonel Sterling Price, and numbered 3,157 men, who, with upwards of 2,200 head of animals, had to be provided for and subsisted. The universal hostility of the Mexicans, and the peculiar character of the country, rendered it exceedingly difficult to purchase requisite supplies for so large a force. The official report of the quartermaster to the War Department shows that he had, in some instances, to haul supplies a distance of one hundred and fifty miles, and to pay extravagant prices.

It is amply shown that the husband of the petitioner was a merchant of high standing, a man of wealth and influence, and rendered important services to the American army.

It also appears that Governor Bent, the civil governor of New Mexico, in October, 1846, in order to facilitate the procurement of supplies for the quartermaster's department in New Mexico, recommended Francisco Robaldo to Captain W. M. D. McKissack, the acting quartermaster, as an efficient aid for this purpose.

It amply appears that Captain McKissack made an arrangement with Mr. Robaldo, and induced him to purchase large supplies of corn, fodder, barley, wheat, and other articles, and caused him to store them in several buildings in the town of Mora, in northern New Mexico, convenient to headquarters.

It appears that Captain McKissack himself designated the place.

There was only a verbal and not a written agreement, but Robaldo relied upon the quartermaster as an American officer acting within the line of his duty, who had agreed that if Robaldo would procure and store an ample quantity of army supplies, and thus facilitate the operations of the quartermaster's department, he would pay him for them as they were from time to time drawn upon.

The testimony clearly shows that the husband of the petitioner at once commenced to haul supplies from his own ranch, in October, 1846, and that he purchased other supplies from different points, and hauled them into Mora, and stored them safely.

It is abundantly proven that at the time he entered into this arrangement with Captain McKissack, he avowed the purpose of purchasing and collecting supplies to the limit of fifty thousand dollars, that the quartermaster might have an ample store to draw upon. It is also amply proven that between October, 1846, and February, 1847, he had stored and stacked grain and forage in Mora to the amount of thirty thousand dollars.

The testimony fully proves the zeal and fidelity of Mr. Robaldo to American interests, and for these reasons he became obnoxious to the Mexican population.

It appears, from the report of General Price to the War Department, that on the 19th of January, 1847, he was startled with the news of a formidable outbreak of the Mexicans, and the murders, at Taos, of Governor Bent and most of the civil officers of the Territory, and that a force of 1,500 or 2,000 of the enemy were on the march to surprise him at Santa Fé. The proof shows that Mr. Robaldo, while at Mora, being informed of the intended revolt by a woman, he mounted his horse and at great hazard rode all night, that he might reach Santa Fé and apprise General Price of his danger.

In consequence of this insurrection all the towns in northern New Mexico openly revolted and were fortified by the enemy; among these was the town of Mora, where all persons friendly to American interests had been killed, or fled for safety to the American troops; Mr. Robaldo was among the latter. The official report of General Price to the War Department amply shows this state of affairs, and gives the particulars of the several battles fought before the revolt was quelled. It appears from the despatches that two unsuccessful attacks were made by the company commanded by Captain J. R. Hendley: one on the 24th of January, 1847, in which this gallant officer was killed, and the second on the 25th, under the command of Lieutenant McKarney, who was repulsed. On the 1st of February, 1847, a third assault upon Mora was made by the company under the command of Captain Jesse Morin, of the Missouri mounted riflemen, and after some hours of severe fighting the town was taken. Captain Morin, being apprised of the seriousness of his danger, and that the revolt was general, immediately after he took possession of the town ordered his men to set fire to it and destroy it. This they did, and the entire town, including the supplies stored in it by Mr. Robaldo, in the language of the then Acting Governor Vigil, "was utterly destroyed." It appears that Captain Morin did this to prevent such large supplies as he found stored again falling into the hands of the enemy,

should subsequent reverses to the American army occur; of which, from the supposed danger, he was apprehensive; and also that the destruction of the town would strike terror into the insurgents.

It is amply shown that the day after the destruction of the town that Mr. Robaldo, who had accompanied General Price on the way, came into the camp of Captain Morin, and claimed the supplies destroyed as his, and stated that they had been collected for the American troops. It appears from the statement of Captain Morin and two of his officers that he, Captain Morin, at once ordered an inquiry into the loss and the circumstances. He appointed two of his officers for this purpose. It appears that they thoroughly and carefully investigated it, and subsequently reported to Captain Morin the result. They reported the loss to be thirty thousand dollars. The quartermaster, Captain McKissack, fully confirmed this from his personal knowledge of the quantity and value of the supplies, and he gave his certificate of the fact accordingly, official copies of which, from the War Department, are before your committee.

The testimony shows that after the destruction of the property Captain McKissack refused to pay for it, and Mr. Robaldo left New Mexico, with the quartermaster's certificate of the loss and the report of the officer's inquiry, to obtain payment from the War Department, at Washington. Upon his arrival at St. Louis, being informed that he would be compelled to apply to Congress for relief, and delays would occur, and, moreover, being ignorant of the English language, and at the same time his business notes becoming due and likely to harass him, in a momentary fit of despondency he terminated his life by suicide.

Full inquiry has been made by your committee at the War Department, and there is no evidence that either the petitioner or her husband have been paid anything for these losses.

Under this statement of facts and these circumstances, your committee are of opinion that the claim ought to be paid—

First, because Mr. Robaldo was induced by the acting quartermaster of the army, for the benefit of his department, to purchase and store at this point those supplies, and that he did so under the assurance of an officer within the line of his duty that he would purchase them.

Secondly, because the property was destroyed for strategic purposes, by an army officer in the service of the United States, in the legitimate exercise of his command.

Thirdly, because the destruction of the property was ordered, to prevent the same falling into the hands of the enemy again, of the danger and exigency of which, under the circumstances, he was the proper person to judge.

